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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,436	12/03/2003	Ajay Garg	20002/17848	5824
34431 7590 08/21/2007 HANLEY, FLIGHT & ZIMMERMAN, LLC 150 S. WACKER DRIVE SUITE 2100 CHICAGO, IL 60606			EXAMINER PERUNGA VOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/726,436		GARG ET AL.	
	Examiner		Art Unit	
	Venkat Perungavoor		2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The Applicant's arguments filed on 6/27/2007 are not persuasive. As Krishnaswamy et al.(US Patent 7051367) discloses the network protocol specific service routine see Col 4 Ln 52-63, that is separate from the operating system see Fig. 3 item 50, 52, 22 & Fig. 2 item 22(where the NISR is separate from Operating System item 18). And this processing is done to detect network attacks and processing of packets that are sent through the network. And further, the network interface receives the packets from the network see Fig. 3 item 42.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (i) an application for patent, published under section 122(b), by another filed in another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claims 1, 3-9, 11-18, 20-25, 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 7051367 to Krishnaswamy et al.(hereinafter Krishnaswamy).
4. Regarding Claim 1,9, Krishnaswamy discloses the identifying a packet associated with an processor see Col 5 Ln 7-11 & Fig. 3 item 42; identifying one or more platform-level network security protocols associated with extensible firmware interface see Fig. 3 item 52 & Fig. 4 item 68; identifying the packet with security conditions based on protocols see Col 5 Ln 44-52.

5. Regarding Claim 3, 11, Krishnaswamy discloses the identifying the packet incoming from network interface see Col 4 Ln 64-66 and outgoing packet from operating system associated with the network interface see Fig. 2 item 18 & Col 2 Ln 61-64.
6. Regarding Claim 4, 12, 22, 29, Krishnaswamy does not disclose the configuration table having firewall, VPN and IP see Col 4 Ln 58-63 & Fig. 2 item 29.
7. Regarding Claim 5, 13, 23, 30, Krishnaswamy discloses the pointers being used in the PSR table to configure the routers see Col 5 Ln 7-11.
8. Regarding Claim 6, 14, Krishnaswamy discloses the associating the packet with one allowable condition see Fig. 4 item 76 and deny condition based on rate-limiting condition see Fig. 4 item 72.
9. Regarding Claim 7, 15, 20, 27, Krishnaswamy discloses the queues being used for packets see Fig. 5 item 82.
10. Regarding Claim 8, 16, 21, 28, Krishnaswamy discloses the deny condition resulting in sleeping(not accepting packets) of the processor see Fig. 5 item 90.
11. Regarding Claim 17, Krishnaswamy discloses the network interface(Fig. 1 item 60); interrupt handler to receive interrupt request(see Fig. 3 item 48); network driver(Fig. 2 item 22) to identify a packet associated with an processor see Col 5 Ln 7-11 & Fig. 3 item 42, identifying

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one or more platform-level network security protocols associated with extensible firmware interface see Fig. 3 item 52 & Fig. 4 item 68, and identifying the packet with security conditions based on protocols see Col 5 Ln 44-52.

12. Regarding Claim 18, 25, Krishnaswamy discloses the network interface card see Col 2 Ln 61-64.

13. Regarding Claim 24, Krishnaswamy discloses the network interface(Fig. 1 item 60; processor(Fig. 3 item 64) to identify a packet associated with an processor see Col 5 Ln 7-11 & Fig. 3 item 42, identifying one or more platform-level network security protocols associated with extensible firmware interface see Fig. 3 item 52 & Fig. 4 item 68, and identifying the packet with security conditions based on protocols see Col 5 Ln 44-52.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 10, 19, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7051367 to Krishnaswamy et al.(hereinafter Krishnaswamy) in view of US Patent 5748980 to Lipe et al.(hereinafter Lipe).

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16. Regarding Claim 2, 10, 19, 26, Krishnaswamy does not explicitly disclose the pre-boot environment and post boot environment. However, Lipe discloses the pre-boot environment with configuration data see Fig. 4B item 64 and post-boot environment identify the device drivers for buses see Fig. 4B item 70. It would be obvious to one having ordinary skill in the art at the time of the invention to include the pre-boot and post-boot environment in the invention of Krishnaswamy in order to have no conflict in resources as it occurs during boot-time as taught in Lipe see Fig. 4B item 60.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on

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571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VP/
Venkat Perungavoor
Examiner
Art Unit 2132
August 16, 2007


GILBERTO BARRON JR
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